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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,651	04/07/2005	Kuniaki Utsumi	2005_0512A	9001
53349 7590 02/19/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
			EXAMINER	
			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2618	
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			02/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,651

Applicant(s)

UTSUMI ET AL.

Examiner

SANH D. PHU

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-13,16-24,42-45 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-13 and 16-24 is/are allowed.
- 6) ☒ Claim(s) 42-44,51 and 52 is/are rejected.
- 7) ☒ Claim(s) 45 and 48-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 42-44, 51, 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Aburakawa et al (US 2003/0007214).

Regarding to claim 42, Aburakawa et al discloses a main station (100) connected to a plurality of sub-stations (BS1-BS7) via an ,optical fiber transmission path (115, 30) for forming respective wireless communication areas in a local area and performing wireless communication with a plurality of wireless communication terminals (MS1-MSn) in the respective wireless communication areas, and a plurality of access points (103, 104) for outputting signals to be input from an outside of the local area to an inside of the local area, the main station comprising: a managing section (105) operable to determine one of the plurality of access points (103 selects FOR MS1 and FOR FM2) to which a first one of the wireless communication terminals(MS1 and MS2) is accessible; and a selecting section (101 and 102) operable to select and output the signals to be input to the local area which have been received by the access (see fig. 7, 9 and text portion).

Regarding to claim 43, Aburakawa et al discloses a main station (control station, 100), connected to a plurality of sub-stations via an optical fiber transmission path for forming respective wireless communication areas in a local area and performing wireless communication with a plurality of wireless communication terminals in the respective wireless communication areas, and a plurality of access points for outputting signals to be input from an outside of the local area to an inside of the local area, the main station (similar reasons as set forth in claim 42) comprising: a signal receiving section (105) operable to receive the signals to be input to the local area which have been received by the access points (105, which receives signals from BS1-BS7); a multiplexing (102) section operable to frequency multiplex the signals to be input to the local area, the signals being received by the signal receiving section; and a selecting section (101 and 102) operable to select and output the signals to be input to the local area which have been multiplexed by the multiplexing section, to all of the sub-stations (BS1-BS7) (see fig. 7, 9 and text portion),

Regarding to claim 44, Aburakawa et al discloses a sub-station (BS1-BS-7) for use in a wireless communication system, wherein the sub-station forms a wireless communication area in a local area, and communicates with a wireless communication terminal (MS1 and MS2) present in the wireless communication area formed by the sub-station, wherein in the wireless communication system, signals to be input from an outside of the local area to an inside of the Local area are converted by a plurality of access points to a signal form for use in the local area, and one of the signals is selected and output to the sub-station, and wherein the sub-station (see BS2)

comprises: a signal receiving section (114) operable to receive the selected and output signal (f_{ms1}); and a radio wave signal transmitting section (112 and 113) operable to transmit the signal received by the signal receiving section to the wireless communication terminal (MS1) present in the wireless communication area in the form of a wireless radio wave (para [0089]-[0091])(see fig. 9, text portion).

Regarding to claim 51, Aburakawa et al discloses in a system comprising a plurality of sub-stations for forming respective wireless communication areas individually in the local area, and performing wireless communication with a plurality of wireless communication terminals in the respective corresponding wireless communication areas, a plurality of access points for converting signals to be input from an outside of the local area to an inside of the local area to a signal form for use in the local area, and converting signals to be output from the inside of the local area to the outside of the local area to a signal form for use in the outside of the local area, and a main station provided between the sub-stations and the access a method performed by the main station comprising: determining one of the plurality of access to which a first one of the wireless communication terminals is accessible; and selecting and outputting one of the signals to be input from the outside of the Local area, whose form is converted in the one of the plurality of access points having been determined, and which is input to the local area, to the first wireless communication terminal via a corresponding one of the sub-stations (it is rejected for similar reasons as set forth in claims 42 and 44).

Regarding to claim 52, Aburakawa et al discloses in a system comprising a plurality of sub-stations for forming respective wireless communication areas individually

in the local area, and performing wireless communication with a plurality of wireless communication terminals in the respective corresponding wireless communication areas, a plurality of access points converting signals to be input from an outside of the local area to an inside of the local area to a signal form for use in the local area and converting signals to be output from the inside of the local area to the outside of the local area to a signal form for use in the outside of the local area, and a main station provided between the sub-stations and the access a method performed by the main station comprising: frequency-multiplexing the signals converted by the plurality of access points to be input to the local area, and selecting and outputting the signals to be input to the local area which have been multiplexed by the multiplexing section, to all of the sub-stations (it is rejected for similar reasons as set forth in claims 43 and 44).

Allowable Subject Matter

3. 1, 2, 5-13, 16-24 are allowed.
4. Claims 45, 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's argument filed on 12/08/2008 rendered moot. However, claims 42-44, 51, 52 are deemed to be still rejected with reasons set forth above in this office action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sanh D. Phu/
Primary Examiner
Division 2618

SP